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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/534,702 | 02/22/2006 | Ottorino Vendramelli | 2005-0692A | 8854 |

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| EXAMINER | |
|---|---|
| DAVIS, ROBERT B | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1791 | |

| MAIL DATE | DELIVERY MODE |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/534,702 | VENDRAMELLI ET AL. | |
| | Examiner | Art Unit | |
| | Robert B. Davis | 1791 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-10 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 2/23/06.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Drawings*

1. Figure 5 is objected to because the figure uses reference numerals 3 and 4 to reference ports 53 and 54 as stated on line 24 of page 13 of the specification.

### *Specification*

2. The disclosure is objected to because of the following informalities: Figure 6A does not have a brief description in the specification.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (5,648,026: figure 5; column 5, lines 49-56 and column 6, lines 8-17 and 33-46) taken together with Furuya et al (Japanese reference 4-298322: figures 1-6 and the English abstract).

Weiss discloses a blow molding apparatus comprising a blow molding die (represented by bottle 45) having a cavity, a main conduit for supplying gas to the die, a low pressure gas supply source (15) connected to the main conduit via a first supply channel (having valve 44), a controlled valve (44), a high pressure gas supply source (16) connected via a second supply channel, and a second controlled valve (43). The reference does not disclose means for measuring the presence or absence of a gas flow through the channel.

Furuya et al disclose a blow molding apparatus having a gas supply source (P1) connected to a blow molding die cavity (3) by a blow needle (4) wherein the pressure of the blowing medium is measured by a detector (11) and compared to normal values to determine if a malfunction has occurred and a blown article being defective.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Weiss by using a pressure indicator in the feed line as disclosed by Furuya et al for the purpose of comparing the pressure to a control to determine if a burst container has been produced.

6. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss taken together with Furuya et al as applied to claims 1 and 2 above, and further in view of Cutler (4,592,239: figures 1-9).

The combination of Weiss and Furuya et al disclose all claimed features except for the use of Pitot tubes having a single tube with partitioned sections or multiple tubes for measuring the pressure differential in the gas supply line.

Cutler discloses multiple pitot tubes (10 and 10a) having entrances (14 and 14a) connected to ports (18 and 18a) to measure the flow of gas with a conduit (4). The reference also discloses a partitioned tube (2) having hollow sections (10 and 30) separated by a partition (8) which feed ports (18 and 34) for measuring flow within a conduit (4) by pressure differential. The reference also discloses spaced pitot tubes (figure 9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the previous combination by using either multiple pitot tubes or a partitioned pitot tube to determine flow rate based upon differential pressure in a conduit as disclosed by Cutler because such use of pitot tubes was well known in the art as a flow meter and one of ordinary skill in the art would expect such a flow meter to function to determine pressure of the fluid within a conduit.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references illustrate the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert B. Davis
Primary Examiner
Art Unit 1791

1/6/08